

---

---

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

---

---

GREGORY A. DAY,

Plaintiff,

*versus*

WARDEN VASQUEZ,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 1:13-CV-100

**MEMORANDUM ORDER ADOPTING THE  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, Gregory A. Day, a prisoner currently confined at FCI Beaumont, proceeding *pro se*, filed the present *Bivens*-type<sup>1</sup> action against defendant Warden Vasquez.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff’s civil rights action be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party to date.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct

---

<sup>1</sup> See *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 28th day of May, 2013.

A handwritten signature in cursive script that reads "Marcia A. Crone".

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE